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SUBJECT: PROSECUTOR GENERAL TO APPEAL ACQUITTAL OF GENERAL USCATEGUI IN MAPIRIPAN CASE

¶1. On November 28, civilian judge Oscar Jaimes acquitted General Jaime Humberto Uscategui, former commander of the 7th Brigade, of homicide, kidnapping and omission charges in connection with the July 1997 paramilitary massacre of an estimated 50 people in Mapiripan, Meta department. Uscategui, who has spent the last eight years in prison during the investigation and trial period, was convicted of falsifying documents and sentenced to 41 months. He is eligible for immediate release due to time served. In contrast, the judge convicted Colonel Hernan Orozco of complicity in the massacre and sentence him to 40 years. The GOC has convicted others in the case, including Colonel Lino Sanchez to 40 years (who died in prison of cancer), two noncommissioned officers in charge of airports involved, and a number of paramilitary members, including Rene Cardenas Galeano, a local AUC leader, Francisco Gomez and Arnaldo Vergara, each to 40 years for their participation.

¶2. Uscategui had been originally convicted in the Military Justice system of omission in 2001, but the Constitutional Court decision ruled the massacre a grave human rights violation and transferred the case to the civilian system. The judge's ruling in the case comes more than two years after the end of trial arguments, and disappointed the Prosecutor General's Office (Fiscalia). Fiscal Mario Iguaran told A/AS Jonathan Farrar on November 29 that the Fiscalia will appeal the ruling "all the way to the Supreme Court if necessary."

¶3. The Specialized Ninth Circuit court in Bogota concluded hearings in July 2006 and recommended a 40-year sentence for Uscategui. The judge had not rendered a decision in two years, citing other assignments, though his docket had been cleared of any new cases multiple times.

¶3. During the July 1997 military operation, at least 50 civilians were massacred by a group of paramilitary forces sent by paramilitary leader Carlos Castao Gil in Mapiripn (Mta) with military complicity. Two planes departed airfields in Apartado and Necocli in the Uraba region and flew to San Jose de Guaviare, where they committed the massacre with complicity from the Army's 19th Infantry Battalion. Two paramilitary forces entered the municipality of Mapiripan with no resistance, killing at least 50 civilians and dumping corpses into the river, preventing an accurate count of the deceased.

Nichols